IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

Mat.Appeal.No. 335 of 2005()

OS.295/2002 of FAMILY COURT,KOLLAM
.....

PETITIONER: APPELLANT/PLAINTIFF

RISHIKESAN @ THANKAN, HAVING PERMANENT ADDRESS AT BHAGAVATHIVILASOM PUTHEN VEEDU, VEYLOOR VILLAGE, IDAVILAKATHU MURI, THONNACKAL P.O., THIRUVANANTHAPURAM.

BY ADV. SMT.K.KUSUMAM
SRI.SHAMMI VIJAYAN

RESPONDENTS: DEFENDANTS
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1. VALSALA, THENGGUVILA KIZHAKKATHIL, KOTTAKKAKOM, THRUKKADAVOOR VILLAGE, KOLLAM DISTRICT.

2. AKHILESH, MINOR REPRESENTED BY THE 1ST RESPONDENT RESIDING AT DO.DO.

BY ADV. SRI.S.SANTHOSH KUMAR

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 19/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN,JJ.

Mat.Appeal No.335 of 2005 & C.M.Appln.No.2558/2005

Dated this the 19th day of March, 2007

JUDGMENT

Kurian Joseph,J.

This appeal is filed with a petition for condonation of delay of 748 days in preferring the appeal. This court by order dated 23-12-2005 issued notice on condition that the appellant deposits the entire decree amount accrued as on that date. Admittedly the petitioner has not deposited the amount. In the meanwhile I.A.No.7/2006 was filed for altering and modifying the order dated 23-12-2005. R.P.No.193/2006 was also filed for reviewing the order dated 23-12-2005. By common order dated 13-7-2006, I.A.No.7/2006 for altering and modifying the order dated 23-12-2005 and R.P.No.193/2006 for reviewing the said order were dismissed. On dismissal of the application, the resultant position is that the application for condonation of delay of 748 days in filing the appeal stands dismissed. Thus the appeal does not survive. Therefore, C.M.Application No.2558/2005 is dismissed and Mat.Appeal No.335/2005 will also stand dismissed.

(KURIAN JOSEPH, JUDGE)

(K.T.SANKARAN, JUDGE)

ahg.